

Independent Claim 1 recites, *inter alia*, "holder engagement means for connecting the wire harness holder to the base while sandwiching an end portion of a floor carpet between the base and the wire harness holder". This holder engagement means is clearly structure that performs a stated function and is not mere intended use.

There is no structure in Pavlak et al. that is capable of performing the function of the recited holder engagement means, and there is no teaching or suggestion in this reference of performing such a function.

The rejection refers to element 22 of the reference as a base and refers to a conduit holder that includes first and second arcuate arms (58) pivotally supported on the base at one end. Assuming, arguendo, that the arms 58 constitute the wire harness holder recited in Claim 1 and that elements 38 and 40 of the reference constitute holder engagement means, as alleged in the rejection, such holder engagement means does not connect a wire harness holder to the base 22 while sandwiching an end portion of a floor carpet between the base 22 and the wire harness holder (arms 58).

Furthermore, if element 22 is considered to be the base, then one of the arms 58 is not pivotally connected to

such a base. In fact, only one of the arms 58 pivots at all.

The rejection alleges that engagement portions (52 and 48) of the reference define U-shaped inlets for insertion of respective support legs (formed on an inner surface of a rocker molding), but it is apparent from Figs. 1 and 3 of the reference that element 52 fits inside element 48, making it impossible for these elements to receive and retain respective support legs as recited in Claim 1.

Accordingly, Claim 1 and dependent Claims 2 and 3 should clearly be allowed.

With regard to Claim 2, it has been pointed out above that Pavlak et al. do not disclose first and second arcuate arms pivotally supported on a base. One of the arms of the reference is pivotally supported on the other arm, which is not pivotally supported on anything.

Independent Claim 7 recites, *inter alia*, a fastener that has a pair of rocker molding engagement portions spaced from one another for receiving and retaining respective support legs of a rocker molding. This structure (not intended use) is neither taught nor suggested by Pavlak et al. As discussed earlier, it is apparent from Fig. 1 of the reference that elements 48 and 52 cannot constitute the structure recited in Claim 7 and

are incapable of performing the function thereof.

Accordingly, Claim 7 and dependent Claims 8-12, 15 and 16 should be allowed.

It should be noted that Claim 9 requires a pair of arcuate arms having one end pivotally mounted on a base. No such arms are found in Pavlak et al. Claims 10-12, which depend on Claim 9 directly or indirectly, clearly distinguish patentably from Pavlak et al.

Claims 4-6, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pavlak et al. in view of U.S. Patent 6,708,933 to Giordo. This rejection proposes to modify the clamp of Pavlak et al. to incorporate the harness clamp arrangement of Giordo.

While Giordo shows a clamp with individually pivoted arms, the structure of Pavlak et al. would have to be completely redesigned to render arms 22 and 24 individually pivotally supported on a base, and such a redesign would render useless the essential structure shown in Fig. 5 of Pavlak et al.

Thus, claim 4, which recites arcuate arms individually pivotally supported on a base by separate hinges, is clearly allowable over the proposed combination of Pavlak et al. and Giordo. Claims 5 and 6, which depend on Claim 4 directly or indirectly, are also clearly allowable.

It should be noted, with regard to Claim 5, that neither of elements 48 and 52 of Pavlak et al. is a rocker molding engagement portion provided on an arcuate arm adjacent to its free end, as recited in the claim. With regard to Claim 6, it should be noted that nothing in Pavlak et al. or Giordo constitutes a carpet engagement protrusion with a stop for limiting movement of a first rocker molding engagement portion toward a base. Claims 4-6 clearly distinguish patentably from the proposed combination of Pavlak et al. and Giordo.

Claim 13 recites arcuate arms pivotally mounted on a base individually by separate hinges, and Claim 14 recites that the protrusion is at one end of the base and the base has a post at its opposite end on which the arcuate arms are pivotally mounted. Nothing of this sort is taught by the references.

This application is believed to be clearly in condition for allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

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